

ENTERED

September 06, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION****CHARLES LYONS,****Plaintiff,****V.****YEHONOTAN SADE, *et al.*,****Defendants.**§
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§**CIVIL ACTION NO. 4:24-cv-1554****ORDER**

Pro se Plaintiff Charles Lyons filed this action on April 24, 2024. (ECF No. 1). On July 22, 2024, Magistrate Judge Richard W. Bennett extended Plaintiff's deadline to serve the Defendants under Federal Rule of Civil Procedure ("Rule") 4 to August 23, 2024. (ECF No. 18). He has still not served Defendants.

Rule 4(m) provides, "[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time." This mandates dismissal absent good cause shown by Plaintiff for the failure to timely serve. *Lewis v. Sec'y of Pub. Safety and Corrs.*, 870 F.3d 365, 369 (5th Cir. 2017).

Plaintiff has not shown good cause for his failure to serve Defendants as

required by Rule 4(m). Dismissal now without prejudice is appropriate, which means Plaintiff may refile and prosecute his action in conformance with the Federal Rules of Civil Procedure, if that is his desire.

This action is **DISMISSED WITHOUT PREJUDICE**.

It is so **ORDERED**.

SIGNED in Houston, Texas on September 3, 2024.

A handwritten signature in black ink, appearing to read 'A. Hanen', is positioned above a horizontal line.

Andrew S. Hanen
United States District Judge